

**Pend Oreille River Temperature TMDL Meeting
Kalispel Tribe of Indians and EPA
July 24, 2012 – 1:00 to 3:00 pm EST**

Location: 2530 Ariel Rios North, EPA Headquarters, Washington, D.C.

Attendees: Deane Osterman, Executive Director, Kalispel Tribe Natural Resources Dep't
Rick Desimone, Consultant for the Kalispel Tribe
Zach Welcker, Attorney for the Kalispel Tribe
Michael Haire, National TMDL Coordinator, Office of Wetlands, Oceans, and Watersheds, Assessment and Watershed Protection Division
Julie Reichert, Oak Ridge Institute for Science and Education Participant, Office of Wetlands, Oceans and Watersheds, Assessment and Watershed Protection Division
Lester Yuan, Statistician, Office of Science and Technology, Health and Ecological Criteria Division
Steve Whitlock, TMDL Modeler, Office of Science and Technology, Health and Ecological Criteria Division
James Curtin, Attorney, Office of General Counsel
Felicia Wright, Tribal Coordinator, Office of Water
Sarah Furtak, Listing and TMDL Staff, Office of Wetlands, Oceans, and Watersheds, Assessment and Watershed Protection Division
Eric Monschein, Acting Chief, Watershed Branch
Ruth Chemerys, Acting Associate Chief, Watershed Branch

From EPA Region 10, the following folks will participate in the meeting via phone:

David Croxton, Manager, Office of Water and Watersheds, Watershed Unit
Ben Cope, Modeler, [placeholder]
Helen Rueda, TMDL Staff, Office of Water and Watersheds
Don Martin, TMDL Staff, Office of Water and Watersheds, Coeur d'Alene Field Office
Kim Owens, Attorney, Office of Regional Counsel
EPA staff TBD

Objective: To ensure that the final Pend Oreille River Temperature TMDL accurately describes all violations of Kalispel temperature criteria, as determined by the Tribe, and includes allocations that remedy those violations

Questions

Presented: (I) Should EPA reject the Department of Ecology's conclusion that the Pend Oreille River Temperature TMDL ensures compliance with Kalispel water quality criteria where the record demonstrates: (1) the methodology from which

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Ecology's conclusion is derived is not consistent with the temporal requirements of the Tribe's water quality standards; (2) there is evidence that suggests the methodology was employed for non-scientific reasons; (3) the precedent cited by Ecology to support its use of the methodology provides no justification for applying it to the Pend Oreille River; and (4) the methodology causes real harm to Kalispel waters by masking the frequency and magnitude of on-Reservation water quality violations, wholly failing to account for the heat load moving into Kalispel waters from upstream, and developing allocations that perpetuate this poor description and therefore fail to adequately protect Kalispel waters?

(II) What is the most effective way to move forward on this TMDL while protecting the Tribe's sovereign interests?

Proposed Agenda

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| Introductions | 1:00 – 1:05 pm |
| Kalispel Tribe PowerPoint Presentation | 1:05 – 1:30 pm |
| Discussion of Questions Presented | 1:30 – 2:45 pm |
| Next Steps | 2:45 – 3:00 pm |